

## **Chapter 10.06**

### **ADMINISTRATION AND ENFORCEMENT**

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#### **10.06.010 Duties of Director of Public Works and Utilities.**

(a) Except as otherwise specifically provided, the Director of Public Works and Utilities is hereby authorized to regulate or entirely prohibit traffic upon any street or highway of the city by promulgating rules and regulations which shall be filed in the office of the City Clerk and become effective when the Director of Public Works and Utilities shall place appropriate signs, marks, lines, signals, or other traffic control devices indicating the regulation, prohibition, or restriction imposed upon such streets or highways.

(b) The duties of the Director of Public Works and Utilities to regulate the movement of traffic shall include, but not be limited to, the following:

- (1) Determine and fix the direction vehicular traffic shall move upon streets;
- (2) Designate traffic lanes in the streets;
- (3) Designate the traffic lane at certain street intersections from which right or left turns only may be made;
- (4) Designate certain streets or portions thereof as one-way streets;
- (5) Determine and fix certain periods of time and designate certain streets or portions thereof during which periods of time vehicular traffic shall move upon such designated street or portions thereof only in the direction so fixed. (Ord. 16951 §53; March 11, 1996; prior Ord. 15630 §1; July 9, 1990; P.C. §10.08.020; Ord. 8282 §14; December 16, 1963; Ord. 7794 §1; July 16, 1962; Ord. 5699 §202; April 12, 1954).

**10.06.020 Experimental Regulations.**

The Director of Public Works and Utilities is authorized and empowered to make and enforce experimental regulations for the control of traffic and to install necessary signs and signals therefor and to test traffic control devices under actual conditions of traffic. Such experimental regulations shall be in writing and filed in the office of the City Clerk and no such experimental regulations shall remain in effect for more than one year. (Ord. 16951 §54; March 11, 1996: prior Ord. 15630 §2; July 9, 1990: P.C. §10.16.030: Ord. 8152 §1; August 19, 1963: Ord. 7794 §4; July 16, 1962: Ord. 5699 §403; April 12, 1954).

**10.06.030 Emergency Regulations.**

The Director of Public Works and Utilities, the Chief of Police, or the commanding officer in charge of the Police Department is hereby authorized and empowered to make and enforce temporary traffic regulations to cover emergency or special conditions. (Ord. 16951 §55; March 11, 1996: prior Ord. 15630 §3; July 9, 1990: P.C. §10.16.020: Ord. 8364 §2; April 13, 1964: Ord. 5699 §402; April 12, 1954).

**10.06.040 Central Records Bureau.**

There is hereby established in the Police Department of the city a Central Records Bureau to be under the supervision of the Chief of Police. The Central Records Bureau shall keep a record of all violations of the traffic ordinances of the city and shall make such records available for use and study by the Department of Public Works and Utilities. (Ord. 16951 §56; March 11, 1996: prior Ord. 15630 §4; July 9, 1990: P.C. §10.08.010: Ord. 5699 §201; April 12, 1954: and P.C. §10.08.030: Ord. 7794 §2; July 16, 1962: Ord. 5699 §202; April 12, 1954).

**10.06.050 Duty to Investigate Accidents and Receive Reports; Use of Reports.**

It shall be the duty of the Police Department to investigate traffic accidents which are reportable under state law and to prepare reports thereof. The Central Records Bureau shall maintain a suitable system for filing traffic accident reports. All such reports shall be available for the use and information of the Department of Public Works and Utilities. A record shall be made of all reports received by the Central Records Bureau. Copies of all such accident reports shall be available to a party involved in such accident or to a representative of a party to such accident. (Ord. 17400 § 2; August 17, 1998: prior Ord. 16951 §57; March 11, 1996: Ord. 15630 §5; July 9, 1990: P.C. §10.08.040: Ord. 12170 §1; January 3, 1978: Ord. 7794 §3; July 16, 1962: Ord. 5699 §204; April 12, 1954).

**10.06.060 Annual Traffic Safety Report.**

The Police Department shall annually prepare a traffic report to contain information on traffic matters in the city, setting forth the number of traffic accidents, the number of persons killed or injured, other pertinent traffic accident data, the number of traffic accidents investigated, the number of drivers complained against, other pertinent data on the safety activities of the police, and plans and recommendations of the Police Department for future safety activities. (Ord. 15630 §6; July 9, 1990: P.C. §10.08.050: Ord. 5699 §205; April 12, 1954).

#### **10.06.070 Enumeration of Powers and Duties.**

The Chief of Police or any police officer shall have the power of:

- (a) Peace officers for the purpose of enforcing the provisions of this title and for the purpose of enforcing any other law regulating the operation of vehicles or the use of the streets, alleys and public ways;
- (b) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this title, or of any other law regulating the operation of vehicles or the use of the streets, alleys and public ways or of the laws of the state and ordinances of the city;
- (c) At all times to direct all traffic in conformity with law or in the event of a fire or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;
- (d) When in uniform, or upon presentation of their police commission, and upon reasonable suspicion to believe any motor vehicle is in violation of motor vehicle equipment or safety requirements of the city to require the driver thereof to stop and exhibit his or her operator's license and registration card issued for the vehicle and to submit to an inspection of such vehicle, the registration plates and registration card thereon and to require the drivers of motor vehicles to present such vehicles within five days for correction of any defects revealed by such motor vehicle inspection;
- (e) To serve warrants relating to the enforcement of laws and of ordinances; and
- (f) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and street and highway safety laws and ordinances. (Ord. 15630 §7; July 9, 1990: P.C. §10.44.080: Ord. 5699 §1008, as amended by Ord. 7517; July 14, 1961).

#### **10.06.080 Issue of Citation.**

Whenever there is any violation of any provision of this title, a police officer finding the violation shall, except as otherwise provided in this section, take the name and address of the person violating such ordinance and the license number of the motor vehicle involved. The officer shall issue a citation or otherwise notify such person in writing to appear at a time and place specified in the citation. The citation shall include a description of the crime or offense charged, the time and place at which the person cited is to appear, a warning that failure to appear in accordance with the command of the citation is a punishable offense, and such other matters as is deemed appropriate. The time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and the duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody.

The foregoing provisions for issuance of citation and for release of the person arrested shall not apply when the arresting officer has reasonable grounds to believe that:

- (a) The accused will refuse to respond to the citation;
- (b) Such custody is necessary to protect the accused or others when the accused's continued liberty would constitute a risk of immediate harm;
- (c) Such action is necessary in order to carry out legitimate investigative functions;
- (d) The accused has no ties to the jurisdiction reasonably sufficient to assure the accused's appearance;
- (e) The accused has previously failed to appear in response to a citation; or

(f) The accused has committed a felony. (Ord. 15630 §8; July 9, 1990: P.C. §10.60.290: Ord. 13973, as amended by Ord. 14216 §1; September 9, 1985: Ord. 11359 §1; May 12, 1975: Ord. 5699 §1429, as amended by Ord. 6782; June 30, 1957).

#### **10.06.090 Violations Bureau Established.**

For the purposes hereinafter provided there is hereby established a Violations Bureau which shall be under the direction and supervision of the Finance Director. (Ord. 15630 §9; July 9, 1990: P.C. §10.68.010: Ord. 14127 §2; June 10, 1985: Ord. 9163 §3; February 20, 1967: Ord. 5699 §1601, as amended by Ord. 6561; April 15, 1957).

#### **10.06.100 Violations Bureau; Rules; Collect and Account for Money.**

The Violations Bureau shall collect and account for all monies paid in accordance with the provisions of this title and shall issue receipts therefor, shall remit all monies collected under the provisions of this title to the City Treasurer; and shall keep records of all violators, showing the name, time, and date of violation and disposition. It shall be the duty of the City Treasurer to credit to the city such amounts as shall be collected for the payment of administrative costs. The balance of the monies collected shall be disbursed by the City Treasurer as provided by law.

The Finance Director may accept credit card payments or partial payments of any fines and costs payable to the Violations Bureau, on terms to be determined by the Director. The impoundment provisions of this title shall be automatically deferred until the completion or termination of such payment plan. Any such payment plan shall automatically terminate upon failure to comply with the terms thereof, and the vehicle involved in the violation shall be subject to impoundment as otherwise provided in this title. (Ord. 16668 §1; September 6, 1994: prior Ord. 15630 §10; July 9, 1990: P.C. §10.68.020: Ord. 14127 §3; June 10, 1985: Ord. 9163 §4; February 20, 1967: Ord. 5699 §1602, as amended by Ord. 6561; April 15, 1957).

#### **10.06.110 Issuing Citations.**

It shall be the duty of any police officer to issue a citation which shall be processed originally through the Violations Bureau upon finding:

- (a) Any motor vehicle in violation of a motor vehicle parking ordinance or of a duly established parking regulation of the city;
- (b) Any motor vehicle stopped or parked in such a manner as to interfere with the lawful use of the street;
- (c) Any motor vehicle stopped or parked in violation of Chapter 10.32 of this title; or
- (d) Any motor vehicle parked on any street or other public property within the city which is in violation of a city ordinance regarding the registration certificate or registration or display of proper plates. (Ord. 18759 §1; June 26, 2006: prior Ord. 15630 §11; July 9, 1990: P.C. §10.68.030: Ord. 14383 §2; May 12, 1986: Ord. 14127 §4; June 10, 1985: Ord. 10311 §2; December 6, 1971: Ord. 9863 §1; September 22, 1969: Ord. 9193 §2; April 3, 1967: Ord. 9163 §5; February 20, 1967: Ord. 5699 §1603, as amended by Ord. 6561; April 15, 1957).

#### **10.06.120 Payment of Fines and Costs.**

Any person accused of any of the following violations of the Lincoln Municipal Code may appear before the Violations Bureau, waive arraignment and right to a hearing, and enter a plea of guilty by payment of the sum indicated for those complaints as listed below:

- (a) Violation of a motor vehicle parking ordinance or duly established parking regulation not otherwise herein-after specified, or parking on or obstructing a fire lane in violation of Title 19 of this code . . . . . \$ 2.00
- (b) Parking or stopping of a motor vehicle in such a manner as to interfere with the lawful use of the street, street intersection or sidewalk, or parking in an alley in violation of Section 10.32.150, or the parking, stopping, or standing of a motor vehicle in a bus stop zone, or parking near street intersections in violation of Section 10.32.140, or obstructing private driveways in violation of Section 10.32.110 . . . . . \$ 12.00
- (c) Parking or stopping of a motor vehicle too close to a fire hydrant in violation of Section 10.32.320 . . . . . \$ 32.00
- (d) Parking or stopping of a motor vehicle in violation of Sections 10.40.030, 10.40.040, or 10.40.080 regarding prohibition of parking on snow emergency routes, arterials, and bus routes . . . . . \$ 42.00
- (e) Parking of a motor vehicle in violation of Section 10.40.050 relating to parking on residential streets during a snow emergency . . . . . \$ 27.00
- (f) Violation of Section 10.32.020 relating to handicapped parking:
  - First offense within a one-year period . . . . . \$ 92.00
  - Second offense within a one-year period . . . . . \$192.00
  - Third or subsequent offense within a one-year period . . . . . \$292.00
- (g) Failure to carry registration certificate as required by Section 10.08.010 . . . . . \$ 2.00
- (h) Failure to have motor vehicle registered and displaying proper plates (other than violations subject to the penalty set forth in Section 10.08.050) . . . . . \$ 92.00
- (i) Parking a motor vehicle in violation of Section 10.32.070 relating to parking of trucks and other oversized vehicles on streets adjacent to residentially zoned property . . . . . \$ 32.00

In each instance of such waiver of arraignment and right to a hearing and entry of a plea of guilty, the person charged in the complaint shall pay, in addition to the amount specified above, the administrative costs of eight dollars and no cents (\$8.00). (Ord. 18759 §2; June 26, 2006: prior Ord. 17867 §1; June 25, 2001; Ord. 17601 §1; February 7, 2000: Ord. 16668 §2; September 6, 1994: Ord. 16646 §1; July 25, 1994: Ord. 15630 §12; July 9, 1990: P.C. §10.68.040; Ord. 13968, Ord. 14122, as amended by Ord. 14127 §5; June 10, 1985: Ord. 12892 §1; April 7, 1980: Ord. 12380 §11; September 11, 1978: Ord. 10311 §3; December 6, 1971: Ord. 9163 §6; February 20, 1967: Ord. 5699 §1604, as amended by Ord. 6561; April 15, 1957).

**10.06.140 Mailing Notice of Complaint.**

In the event that a person accused of a violation does not appear before the Violations Bureau within seven days after the date of the issuance of the citation, notice shall be mailed to the last known address of the registered owner of the vehicle found to be in violation of the ordinance or regulation setting forth the date and the nature of the alleged offense, the disposition that can be made of the matter by appearing at the Violations Bureau within fifteen days of the issuance of the citation, and that upon the expiration of the fifteen-day period such vehicle may be impounded pursuant to Chapter 10.44 or as otherwise allowed by law. (Ord. 16646 §3; July 25, 1994: prior Ord. 15630 §14; July 9, 1990: P.C. §10.68.050: Ord. 14127 §7; June 10, 1985: Ord. 9163 §7; February 20, 1967: Ord. 5699 §1605, as amended by Ord. 6561; April 15, 1957).

**10.06.150 Violation of Rules and Regulations.**

The violation of any provision of the rules and regulations promulgated by the Director of Public Works and Utilities pursuant to and in accordance with the provisions of this title relating to the regulation of traffic upon the streets and alleys of the city shall constitute a violation of this title. (Ord. 16951 §58; March 11, 1996: prior Ord. 15630 §15; July 9, 1990: P.C. §10.72.010: Ord. 8282 §48; December 16, 1963: Ord. 7794 §17; July 16, 1962: Ord. 5699 §1701; April 12, 1954).

**10.06.160 Penalty for Violation.**

Any person upon whom a duty is placed by the provisions of this title who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this title for which a penalty is not otherwise specifically provided, shall be deemed guilty of a traffic infraction and upon conviction thereof shall be fined not more than \$100.00 for the first offense, not more than \$200.00 for a second offense within a one-year period, and not more than \$300.00 for a third and subsequent offense within a one-year period, recoverable with costs. Each day that a violation of this title continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty provided herein shall be cumulative with and in addition to the revocation, cancellation, suspension, or forfeiture of any license, permit, right, or privilege elsewhere in this title provided for violation thereof, or as provided by law. (Ord. 18453 §1; October 11, 2004: prior Ord. 15630 §16; July 9, 1990: P.C. §10.72.050: Ord. 12519 §9; March 12, 1979: Ord. 9037 §1; June 13, 1966: Ord. 5699 §1901, as amended by Ord. 6871; January 26, 1959).